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10/530,878	04/11/2005	Eric Holmen	PIP132HOLM-US	2258
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NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304				
EXAMINER				
GARTLAND, SCOTT D				
ART UNIT		PAPER NUMBER		
3622				
NOTIFICATION DATE		DELIVERY MODE		
11/29/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action
After the Filing of an Appeal Brief

Application No.

10/530,878

Examiner

SCOTT D. GARTLAND

Applicant(s)

HOLMEN ET AL.

Art Unit

3622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 04 November 2010 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Since Applicant's amendment only cancels claims, the amendment is entered. The Examiner notes that no arguments are placed regarding the amendment - only the Appeal brief, which is not to be addressed by an Advisory Action.

The claim status for appeal is: claims 1-12 and 14-43 stand as rejected, claims 13 and 44-91 are canceled.

The Examiner notes claim 44 as canceled per the amendment; however, it is noted that Applicant's summary at page 1 of the Amendment After Final does not indicate it as included in the canceled claims, but the Claim Status of §II at page 8 indicates, as the amended claims also indicate, cancellation.

/John Van Bramer/
John Van Bramer
Primary Examiner, Art Unit 3622